

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

FIRST DAY'S PROCEEDINGS

**Thirty-Second Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Sunday, March 7, 2004

The Senate was called to order at 5:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

ABSENT

Cravins	Hainkel
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Dino Rizzo, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Morning Hour

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

SECRETARY OF STATE
State of Louisiana

March 1, 2004

To the Honorable President of the Senate and the Members of the Louisiana State Senate

Ladies and Gentlemen:

I have the honor to hand you herewith a certified copy of the Proclamation by her Excellency, Kathleen Babineaux Blanco, Governor of the State of Louisiana, dated March 1, 2004, designating certain objects to be considered at the Extraordinary Session of the Legislature of Louisiana, to be convened at 3:00 o'clock p.m. on Sunday, the 7th day of March, 2004, and ending no later than 6:00 o'clock p.m. on Tuesday, the 23rd day of March, 2004.

Sincerely,
W. FOX MCKEITHEN
Secretary of State

FOX MCKEITHEN
Secretary of State

As Secretary of State, of the State of Louisiana, I do hereby Certify that the attached pages contain a true and correct copy of the Proclamation by Her Excellency, Kathleen Babineaux Blanco, Governor of the State of Louisiana, dated March 1, 2004, hereby call and convene the Legislature of Louisiana into Extraordinary Session to convene at the State Capitol, in the city of Baton Rouge, Louisiana during seventeen calendar days, beginning at 3:00 o'clock p.m. on the seventh day of March, 2004, and ending no later than 6:00 o'clock p.m. on the twenty-third day of March, 2004.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on, this, the 1st day of March, 2004.

FOX MCKEITHEN
Secretary of State

**STATE OF LOUISIANA
EXECUTIVE DEPARTMENT
PROCLAMATION NO. 7 KBB 2004**

By virtue of the authority vested in me by Paragraph B of Section 2 of Article III of the Constitution of Louisiana, I, Kathleen Babineaux Blanco, Governor of the state of Louisiana, HEREBY CALL AND CONVENE THE LEGISLATURE OF LOUISIANA INTO EXTRAORDINARY SESSION to convene at the State Capitol, in the city of Baton Rouge, Louisiana, during seventeen calendar days, beginning at 3:00 o'clock p.m. on the seventh day of March, 2004, and ending no later than 6:00 o'clock p.m. on the twenty-third day of March, 2004. The power to legislate at such session shall be limited, under penalty of nullity, to the following specified enumerated objects:

- | | |
|--------------------|---|
| ITEM NO. 1: | To legislate relative to Subsections F, G, H, I, J, K, L, M, N, O, P and Q of Section 302, Section 305.50, Paragraph (1) of Subsection O of Section 331 of Title 47 of the Louisiana Revised Statutes of 1950, which repeal or suspend state sales tax exemptions, and which such repeal or suspension will expire in 2004; to provide for the repeal or suspension of such exemptions. |
| ITEM NO. 2: | To legislate relative to the reduction or removal over time of sales taxes on machinery and equipment used in manufacturing by means of definitional exclusions. |
| ITEM NO. 3: | To amend Title 47 of the Louisiana Revised Statutes of 1950 to eliminate over time borrowed capital as a basis for the assessment, imposition, and collection of the corporate franchise tax. |
| ITEM NO. 4: | To amend and reenact R.S. 47:305.39 relative to sales and use taxes imposed on the direct consumer purchase of butane, propane, or other liquified petroleum gases for the private residential purposes of cooking and heating. |

Page 2 SENATE

March 7, 2004

1st DAY'S PROCEEDINGS

- ITEM NO. 5:** To legislate for an increase in the base amount of mineral revenues received by the state in the Budget Stabilization Fund.
- ITEM NO. 6:** To amend and reenact R.S. 51:1306 relative to the termination date of the Louisiana Tax Free Shopping Program.
- ITEM NO. 7:** To amend and reenact Section 3 of Act No. 60 of the 2002 Regular Session, to continue the tax credit program for the rehabilitation of historic structures.
- ITEM NO. 8:** To amend and reenact R.S. 51:2461(B) to extend the date for new applications for tax credits and rebates for the Louisiana Quality Jobs Program.
- ITEM NO. 9:** To amend and reenact R.S. 47:302(P), 321(G), and 331 (N) to extend the effectiveness of the exemptions for purchases of utilities used by certain steel works and blast furnaces.
- ITEM NO. 10:** To provide relative to approval of a maximum salary to be set by the Governor for department secretaries as provided in Title 36 of the Louisiana Revised Statutes of 1950.
- ITEM NO. 11:** To amend and reenact R.S. 47:301(16)(l) to provide that tangible personal property shall not include other constructions permanently attached to the land for purposes of the state sales and use tax.
- ITEM NO. 12:** To amend the state revenue sharing distribution allocation for the parish of East Baton Rouge to include the millage for the Zachary Community School Board.
- ITEM NO. 13:** To amend and reenact R.S. 56:506 relative to the excise tax on shrimp and to dedicate the proceeds to the promotion and protection of domestic wild caught shrimp.
- ITEM NO. 14:** To legislate relative to motion picture investor tax credits to extend the time period authorized for investor tax credits and provide for the transferability of such credits.
- ITEM NO. 15:** To specify the allowable uses of the proceeds derived from the sales and use tax levied by the city of Natchitoches pursuant to the authorization for such tax provided in Act 960 of the 2003 Regular Session.

IN WITNESS WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of March, 2004.

KATHLEEN BABINEAUX BLANCO
Governor of Louisiana

Attest by the Governor
W. FOX MCKEITHEN
Secretary of State

SECRETARY OF STATE
State of Louisiana

March 2, 2004

To the Honorable President of the Senate and the Members of the Louisiana State Senate

Ladies and Gentlemen:

I have the honor to hand you herewith a certified copy of the Proclamation by her Excellency, Kathleen Babineaux Blanco, Governor of the State of Louisiana, issued on March 1, 2004, to hereby modify the proclamation issued March 1, 2004 designating certain objects to be considered at the Extraordinary Session of the Legislature of Louisiana, to be convened at 5:00 o'clock p.m. on Sunday, seventh day of March, 2004, and ending no later than 6:00 o'clock p.m. on the twenty-third day of March, 2004.

Sincerely,
W. FOX MCKEITHEN
Secretary of State

FOX MCKEITHEN
Secretary of State

As Secretary of State, of the State of Louisiana, I do hereby Certify that the attached page contains a true and correct copy of the Proclamation by Her Excellency, Kathleen Babineaux Blanco, Governor of the State of Louisiana, dated March 1, 2004, designating certain objects to be considered at the Extraordinary Session of the Legislature of Louisiana, to be convened at 5:00 o'clock p.m. on Sunday the seventh day of March 2004, and to adjourn, not later than 6:00 o'clock p.m. on the twenty-third day of March, 2004.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on, this, the 2nd day of March, 2004.

FOX MCKEITHEN
Secretary of State

**STATE OF LOUISIANA
EXECUTIVE DEPARTMENT
PROCLAMATION NO. 8 KBB 2004**

By virtue of the authority vested in me, I, Kathleen Babineaux Blanco, Governor of the state of Louisiana, HEREBY MODIFY THE PROCLAMATION ISSUED ON MARCH 1, 2004, TO CALL AND CONVENE THE LEGISLATURE OF LOUISIANA INTO EXTRAORDINARY SESSION to convene at the State Capitol, in the city of Baton Rouge, Louisiana, during seventeen calendar days, now to begin at 5:00 o'clock p.m. on Sunday, the seventh day of March, 2004, and ending no later than 6:00 o'clock p.m. on the twenty-third day of March, 2004.

ITEM NO. 5: To legislate for an increase in the base amount of mineral revenues received by the state for deposit in the Budget Stabilization Fund.

ITEM NO. 6: To legislate relative to the termination date of the Louisiana Tax Free Shopping Program.

IN WITNESS WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of March, 2004.

KATHLEEN BABINEAUX BLANCO
Governor of Louisiana

Attest by the Governor
W. FOX MCKEITHEN
Secretary of State

Rules Suspended

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 1

BY SENATOR BAJOE

A RESOLUTION

BE IT RESOLVED by the Senate of the State of Louisiana that a committee of five be appointed to notify the House of Representatives that the Senate is now duly convened and organized and prepared to transact such business as may be brought before it.

On motion of Senator Bajoie, the resolution was read by title and adopted.

In compliance with the resolution the President of the Senate appointed the following committee:

Senators Adley, Dupre, Marionneaux, Chaisson, Nevers, and Jackson.

SENATE RESOLUTION NO. 2

BY SENATOR BAJOE

A RESOLUTION

BE IT RESOLVED by the Senate of the State of Louisiana that a committee of five be appointed to act with such a committee as the House of Representatives may appoint to notify the Governor that the Legislature is now duly convened and organized and prepared to receive such communication as he may desire to lay before it.

On motion of Senator Bajoie, the resolution was read by title and adopted.

In compliance with the resolution the President of the Senate appointed the following committee:

Senators B. Gautreaux, Duplessis, Cheek, Kostelka and Holden.

Reports of Committees

The committee appointed to notify the Governor that the Senate had convened and was prepared to transact business reported it had performed that duty. The President of the Senate thanked the Committee and discharged it.

The committee appointed to notify the House of Representatives that the Senate had convened and was prepared to transact business reported it had performed that duty. The President of the Senate thanked the Committee and discharged it.

Committee from the House of Representatives

A committee from the House of Representatives appeared before the Bar of the Senate and informed the Senate that the House of Representatives was organized and ready to proceed with business.

Introduction of Resolutions, Senate and Concurrent

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 3—

BY SENATOR HINES

A RESOLUTION

To amend and readopt Senate Rule No. 13.1(A)(15) of the Rules of Order of the Senate, relative to the number of members on standing committees of the Senate; to increase the number of members on the Senate Committee on Revenue and Fiscal Affairs to eleven members.

On motion of Senator Hines, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE RESOLUTION NO. 4—

BY SENATOR HINES

A RESOLUTION

To create and provide with respect to a Senate Select Committee on Coastal Restoration and Flood Control; to provide for membership; to provide for duties and responsibilities of the committee; and to provide for related matters.

On motion of Senator Hines, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

Rules Suspended

Senator Jones asked for and obtained a suspension of the rules for the purpose of hearing Senate Resolutions No. 3 and 4 in the Committee on Senate and Governmental Affairs without the required 24 hour notice.

SENATE CONCURRENT RESOLUTION NO. 1—

BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To invite the Honorable Kathleen Babineaux Blanco, Governor of Louisiana to address a joint session of the legislature.

The resolution was read by title. Senator Bajoie moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Cravins
Total—2

Hainkel

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 2— BY SENATOR HINES

A CONCURRENT RESOLUTION

To commend and congratulate Senator Paulette Irons on being one of ten winners of the Home Box Office (HBO) national "Hearing Her Voice, Telling Her Story" award, which honors contributions made by African-American women.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Cravins	Hainkel
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 3— BY SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University Fighting Tigers on culminating their impressive season by capturing the national championship on January 4, 2004.

The resolution was read by title. Senator Fontenot moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	

Total—37

NAYS

Total—0

ABSENT

Cravins	Hainkel
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Prefiled Senate Bills and Joint Resolutions to be Referred

The following prefiled Senate Bills and Joint Resolutions were read by title and referred to committees.

SENATE BILL NO. 1—

BY SENATORS CAIN, MICHOT AND BARHAM AND REPRESENTATIVES LAMBERT, SCALISE, BRUNEAU, WADDELL, TUCKER, TOOMY, KENNARD, FUTRELL, BOWLER, SMILEY, KATZ, LABRUZZO, ALEXANDER AND TRAHAN

AN ACT

To amend and reenact R.S. 47:293(7) and to enact R.S. 47:293(2) and (6)(a)(i), relative to Subsections (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P) and (Q) of Section 302, Section 305.50, or Paragraph (1) of Subsection O of Section 331 of Title 47 of the Louisiana Revised Statutes of 1950, which repeal or suspend state sales tax exemptions, and which such repeal or suspension will expire in 2004; to provide for the repeal or suspension of such exemptions under certain conditions; and to provide for related matters.

Motion

Senator Cain moved that the bill be referred to the Committee on Senate & Governmental Affairs.

Senator Mount moved as a substitute motion that the bill be returned to the calendar, subject to call.

Senator Cain objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux, N	Malone
Amedee	Heitmeier	McPherson
Bajoie	Holden	Mount
Cheek	Jackson	Romero
Duplessis	Jones	Theunissen
Gautreaux, B	Kostelka	Ullo
Total—18		

NAYS

Barham	Dardenne	Lentini
Boasso	Ellington	Schedler
Boissiere	Hollis	Smith
Cain	Irons	
Total—11		

ABSENT

Adley	Fields	Michot
Chaisson	Fontenot	Nevers
Cravins	Hainkel	
Dupre	Marionneaux	
Total—10		

The Chair declared the Senate refused to return the bill to the Calendar. Senator Cain withdrew his original motion. The bill lies over under the rules.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the motion by Senator Mount. He voted yea on the motion and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Adley asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the motion by Senator Mount because he was sent by the President to notify the House that the Senate was ready to do business. He had intended to vote nay on the motion. He asked that the Official Journal so state.

SENATE BILL NO. 2—

BY SENATOR BARHAM

AN ACT

To enact R.S. 47:305.53, relative to state sales and use tax; to provide for reduction of sales and use tax on certain machinery and equipment; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 3—

BY SENATOR BARHAM

AN ACT

To enact R.S. 47:603.1, relative to the state franchise tax; to provide for a five-year phase-out of the borrowed capital component of the base; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

Introduction of Senate Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 4—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:601(A), and R.S. 47:601(D) and 611, relative to corporate franchise tax; to exclude from the taxable base of such tax the first five hundred thousand dollars of capital stock, surplus, undivided profits, and borrowed capital of a corporation; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 5—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:601(A), and R.S. 47:601(D) and 611, relative to corporate franchise tax; to exclude from the taxable base of such tax the first one hundred thousand dollars of capital stock, surplus, undivided profits, and borrowed capital of a corporation; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 6—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 47:601(A), 602(A), (B), and (E)(1), 603(A), 604(A)(introductory paragraph) and (C), and 606(A)(introductory paragraph) and (C); to enact R.S. 47:602(G) and 605.1, and to repeal R.S. 47:601(D), relative to the corporation franchise tax; to reduce the amount of borrowed capital included in taxable capital until it is phased out; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 7—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 47:601(A), 602(A), (B), and (E)(1), 603(A), 604(A)(introductory paragraph) and (C), and 606(A)(introductory paragraph) and (C); to enact R.S. 47:602(G) and 605.1, and to repeal R.S. 47:601(D) and 603, relative to the corporation franchise tax; to reduce the amount of borrowed capital included in taxable capital until it is phased out; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 8—

BY SENATORS HEITMEIER, HINES AND MOUNT

AN ACT

To amend and reenact R.S. 39:94(A), relative to the Budget Stabilization Fund; to provide for an increase in the base amount of revenues received by the state as a result of the production of or exploration for minerals, as a result of grants or donations, and as derived from any tax on the transportation of minerals which base is used to determine the deposit of such revenues into the fund; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

SENATE BILL NO. 9—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY

AN ACT

To amend and reenact Section 3 of Act No. 60 of the 2002 Regular Session of the Legislature, relative to the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures; to provide for the taxable periods in which the credit may be taken; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 10—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY

AN ACT

To enact R.S. 47:301(3)(i), (13)(k) and (28), and 337.10(I), relative to sales and use tax of the state, statewide political subdivisions, and other political subdivisions; to provide for the reduction of the sales price, cost price, gross proceeds derived from a lease or rental, monthly lease or rental price paid, and the monthly lease or rental price contracted or agreed to by way of a definitional exclusion of certain machinery and equipment; to provide for an

optional exclusion for political subdivisions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 11—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:302(R), 321(I), and 331(P), relative to the sales and use tax; to extend the effectiveness of the exemption for purchases of utilities used by certain steelworks and blast furnaces; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 12—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVES HAMMETT, SALTER, ALARIO AND MONTGOMERY

AN ACT

To amend and reenact R.S. 47:601(A), 602(A), (B), and (E)(1), 603(A), 604(A)(introductory paragraph) and (C), and 606(A)(introductory paragraph) and (C), to enact R.S. 47:602(G) and 605.1, and to repeal R.S. 47:601(D) and 603, relative to the corporation franchise tax; to reduce the amount of borrowed capital included in taxable capital until it is phased out; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 13—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVES HAMMETT, SALTER, ALARIO, MONTGOMERY AND THOMPSON

AN ACT

To enact R.S. 47:301(10)(x), relative to the sales and use taxes of the state and statewide political subdivisions; to phase in a reduction of the tax for the sale or purchase by consumers of certain fuels or gases for residential use; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 14—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 51:2461(B), relative to the Louisiana Quality Jobs Program Act; to extend the time period for application for tax credits and rebates; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 15—

BY SENATORS MOUNT, HINES AND HEITMEIER AND REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, and Section 3 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the

termination date of the program; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 16—

BY SENATORS MOUNT AND MICHOT

AN ACT

To amend and reenact R.S. 47:301(16)(l), relative to sales tax; to provide an exclusion for other constructions permanently attached to the land for purposes of state and other statewide sales and use taxes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 17—

BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 47:293(7) and to enact R.S. 47:293(2) and (6)(a)(i), relative to Subsections (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P) and (Q) of Section 302, Section 305.50, or Paragraph (1) of Subsection O of Section 331 of Title 47 of the Louisiana Revised Statutes of 1950, which repeal or suspend state sales tax exemptions, and which such repeal or suspension will expire in 2004; to provide for the repeal or suspension of such exemptions under certain conditions; and to provide for related matters.

The bill was read by title; lies over under the rules.

Motion

Senator Bajoie moved that the Senate proceed to the House of Representatives to meet in Joint Session.

Joint Session of the Legislature

The joint session of the legislature was called to order at 6:00 P.M. by the Honorable Donald E. Hines, President of the Senate.

On motion of Senator Bajoie, the calling of the roll on the part of the Senate was dispensed with.

On motion of Representative Broome, the calling of the roll on the part of the House was dispensed with.

The President of the Senate appointed the following special committee to escort the Honorable Kathleen Babineaux Blanco, Governor of the State of Louisiana, to the joint session.

On the part of the Senate: Senators Mount, Heitmeier, McPherson, Irons, Fontenot, and Jones.

On the part of the House: Representatives Broome, Pinac, Winston, Bruce, Gallot, and Arnold.

The President of the Senate introduced the Honorable Kathleen Babineaux Blanco, who addressed the joint session of the legislature.

On motion of Senator Mount, the Senate retired to its own chamber.

After Joint Session

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

ABSENT

Cravins	Hainkel
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

**Senate Business Resumed
After Joint Session**

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

DONALD E. HINES
President of the Senate
State of Louisiana

January 20, 2004

Louisiana Senate
State Capitol
Baton Rouge, Louisiana

Members of the Senate:

As President of the Senate, I have appointed the following members to the Senate Standing Committees:

Agriculture, Forestry, Aquaculture, and Rural Development

Senator Smith, Chairman
Senator Theunissen, Vice Chair
Senator Barham
Senator Boasso
Senator Butch Gautreaux
Senator McPherson
Senator Nevers

Commerce, Consumer Protection, and International Affairs

Senator Hollis, Chairman
Senator Michot, Vice Chair
Senator Amedee
Senator Duplessis
Senator Fontenot
Senator Heitmeier
Senator Smith

Education

Senator Ullo, Chairman
Senator Nevers, Vice Chair
Senator Chaisson
Senator Dardenne
Senator Irons
Senator Mount
Senator Theunissen

Environmental Quality

Senator Fontenot, Chairman
Senator Adley, Vice Chair
Senator Amedee
Senator Cain
Senator Cheek
Senator Malone
Senator Ullo

Finance

Senator Heitmeier, Chairman
Senator McPherson, Vice Chair
Senator Cheek
Senator Fields
Senator Butch Gautreaux
Senator Hainkel
Senator Holden
Senator Jackson
Senator Jones
Senator Lentini
Senator Ullo

Health and Welfare

Senator McPherson, Chairman
Senator Cheek, Vice Chair
Senator Bajoie
Senator Chaisson
Senator Nick Gautreaux
Senator Jackson
Senator Schedler

Insurance

Senator Cain, Chairman
Senator Romero, Vice Chair
Senator Boissiere
Senator Cravins
Senator Hainkel
Senator Irons
Senator Lentini

Judiciary A

Senator Lentini, Chairman
Senator Kostelka, Vice Chair
Senator Dupre
Senator Fields
Senator Nick Gautreaux
Senator Holden
Senator Romero

Judiciary B

Senator Marionneaux, Chairman
Senator Cravins, Vice Chair
Senator Boissiere
Senator Dardenne
Senator Ellington
Senator Irons
Senator Jones

Judiciary C

Senator Chaisson, Chairman
Senator Jackson, Vice Chair
Senator Duplessis

Page 8 SENATE

March 7, 2004

1st DAY'S PROCEEDINGS

Senator Hollis
Senator Michot
Senator Mount
Senator Schedler

Labor & Industrial Relations

Senator Holden, Chairman
Senator Barham, Vice Chair
Senator Cheek
Senator Cravins
Senator Jones
Senator Lentini
Senator Marionneaux

Local & Municipal Affairs

Senator Fields, Chairman
Senator Duplessis, Vice Chair
Senator Boissiere
Senator Fontenot
Senator Jackson
Senator Schedler
Senator Smith

Natural Resources

Senator Malone, Chairman
Senator Butch Gautreaux, Vice Chair
Senator Cain
Senator Nick Gautreaux
Senator McPherson
Senator Michot
Senator Romero

Retirement

Senator Boissiere, Chairman
Senator Boasso, Vice Chair
Senator Barham
Senator Dardenne
Senator Hollis
Senator Schedler
Senator Theunissen

Revenue & Fiscal Affairs

Senator Mount, Chair
Senator Adley, Vice Chair
Senator Duplessis
Senator Dupre
Senator Nick Gautreaux
Senator Irons
Senator Kostelka
Senator Malone
Senator Marionneaux
Senator Michot
Senator Nevers

Senate & Governmental Affairs

Senator Jones, Chairman
Senator Dupre, Vice Chair
Senator Dardenne
Senator Ellington
Senator Fields
Senator Marionneaux
Senator Ullo

Transportation, Highways & Public Works

Senator Ellington, Chairman
Senator Amedee, Vice Chair
Senator Adley
Senator Boasso
Senator Dupre
Senator Heitmeier
Senator Kostelka

Sincerely,
DONALD E. HINES

DONALD E. HINES
President of the Senate
State of Louisiana

January 26, 2004

Louisiana Senate
State Capitol
Baton Rouge, Louisiana

Members of the Senate:

In accordance with R. S. 24:551 (B), I have appointed the following members to the Legislative Audit Advisory Council:

Senator Barham
Senator McPherson
Senator Mount
Senator Nevers
Senator Schedler

Sincerely,
DONALD E. HINES

DONALD E. HINES
President of the Senate
State of Louisiana

March 1, 2004

Louisiana Senate
State Capitol
Baton Rouge, Louisiana

Members of the Senate:

In accordance with R. S. 24:661, I have appointed the following members to the Joint Legislative Committee on Capital Outlay:

Senator Barham
Senator Fontenot
Senator Romero
Senator Smith
Senator Mount, Vice Chair

Members of the Senate Revenue and Fiscal Affairs Committee also serve on the committee.

Sincerely,
DONALD E. HINES

DONALD E. HINES
President of the Senate
State of Louisiana

January 13, 2004

Honorable Paulette Irons
State Senator
1010 Common Street
Suite 3040
New Orleans, LA 70112

Dear Senator Irons:

In accordance with R. S. 39:1401, I hereby appoint you to serve as Senator-At-Large on the State Bond Commission.

Sincerely,
DONALD E. HINES

DONALD E. HINES
President of the Senate
State of Louisiana

January 22, 2004

Honorable Jay Dardenne
State Senator
P. O. Box 2976
Baton Rouge, LA 70821

Dear Senator Dardenne:

In accordance with Senate Rule 13.1(C), I hereby appoint you to serve as an interim member of the Senate Committee on Finance.

Thank you for your assistance, cooperation and for your service in this important undertaking.

Sincerely,
DONALD E. HINES

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

March 7, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 1— BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To invite the Honorable Kathleen Babineaux Blanco, Governor of Louisiana to address a joint session of the legislature.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Rules Suspended

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 18— BY SENATOR NEVERS

AN ACT

To enact R.S. 47:301(3)(i), (13)(k), (28), and 337.10(I), relative to the sales and use tax of the state, statewide political subdivisions, and other political subdivisions; to provide for a phased-in exclusion for the purchases, leases, and rentals of certain machinery and equipment by certain persons who make certain capital investments in the state; to provide for definitions of property excluded; to authorize an optional exclusion for other political subdivisions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 19—

**BY SENATORS MOUNT, HINES AND HEITMEIER AND
REPRESENTATIVE HAMMETT**

AN ACT

To amend and reenact R.S. 47:6007, relative to the Louisiana motion picture investor tax credit; to extend the sunset date; to limit the credit so that it will not exceed Louisiana expenditures of the production; to authorize a carryforward of tax credits; to provide for administrative procedures and fees for the credit by the Governor's Office of Film and Television and the Department of Revenue; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

Rules Suspended

Senator Jones asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

March 7, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

SENATE RESOLUTION NO. 3— BY SENATOR HINES

A RESOLUTION

To amend and readopt Senate Rule No. 13.1(A)(15) of the Rules of Order of the Senate, relative to the number of members on standing committees of the Senate; to increase the number of members on the Senate Committee on Revenue and Fiscal Affairs to eleven members.

Reported favorably.

SENATE RESOLUTION NO. 4— BY SENATOR HINES

A RESOLUTION

To create and provide with respect to a Senate Select Committee on Coastal Restoration and Flood Control; to provide for membership; to provide for duties and responsibilities of the committee; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CHARLES D. JONES
Chairman

Rules Suspended

Senator Jones asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Resolutions on Second Reading Reported by Committees

Senator Jones asked for and obtained a suspension of the rules to take up at this time the following Senate Resolutions just reported by Committees.

SENATE RESOLUTION NO. 3— BY SENATOR HINES

A RESOLUTION

To amend and readopt Senate Rule No. 13.1(A)(15) of the Rules of Order of the Senate, relative to the number of members on standing committees of the Senate; to increase the number of members on the Senate Committee on Revenue and Fiscal Affairs to eleven members.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. Senator Jones moved to adopt the Senate Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fontenot	Malone
Amedee	Gautreaux, B	Marionneaux
Bajoie	Gautreaux, N	McPherson
Boasso	Heitmeier	Michot
Boissiere	Holden	Mount
Cain	Hollis	Nevers
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Duplessis	Jones	
Dupre	Kostelka	
Total—31		

NAYS

Barham	Romero
Dardenne	Schedler
Total—4	

ABSENT

Cravins	Hainkel
Fields	Uilo
Total—4	

The Chair declared the Senate had adopted the Senate Resolution and ordered it enrolled.

SENATE RESOLUTION NO. 4— BY SENATOR HINES

A RESOLUTION

To create and provide with respect to a Senate Select Committee on Coastal Restoration and Flood Control; to provide for membership; to provide for duties and responsibilities of the committee; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Resolution No. 4 by Hines

AMENDMENT NO. 1

On page 2, line 29, after “the” insert “Senate Committee on Natural Resources and the”

On motion of Senator Jones, the committee amendment was adopted.

On motion of Senator Jones, the committee amendment was adopted. The amended resolution was read by title and ordered engrossed and passed to a third reading.

Leaves of Absence

The following leaves of absence were asked for and granted:

Cravins	1 Day	Hainkel	1 Day
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Adjournment

Senator Bajoie moved that the Senate adjourn until Monday, March 8, 2004, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, March 8, 2004.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk